
NOS. 129201, 129237 Cons.

IN THE SUPREME COURT OF ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS,	)	ON APPEAL FROM THE APPELLATE COURT
PLAINTIFF - APPELLEE,	)	OF ILLINOIS, THIRD JUDICIAL DISTRICT,
	)	#03-21-0523
v)	
	)	THERE HEARD ON APPEAL FROM THE
	)	CIRCUIT COURT OF HENRY COUNTY,
RYAN DON SHAVOR REDMOND,	)	ILLINOIS
DEFENDANT-APPELLANT.	)	#20 CL 27 / 20 TR 3348
)	
	)	THE HON. JUDGE DANIEL P. DALTON
)	JUDGE PRESIDING

BRIEF AND ARGUMENT OF DEFENDANT - APPELLANT
RYAN DON SHAVOR REDMOND

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NATURE OF THE CASE

Defendant-Appellant Ryan Redmond was charged with minor cannabis offenses in the Circuit Court for the Fourteenth Judicial Circuit, Henry County. He filed a Motion to Suppress the evidence seized. The trial court granted the motion and suppressed all evidence seized during the search of Redmond's vehicle, ruling that the plain smell of burnt cannabis did not, standing alone, give a police officer probable cause to search a motor vehicle.

The State filed a Certificate of Impairment and appealed to the Third District Appellate Court, which at the time still had jurisdiction over Henry County appeals. The Third District affirmed the trial court's suppression of the evidence.

The State filed a Petition for Leave to appeal to this Court, which granted the petition.

At or about the same general time period, the Fourth District Appellate Court decided the case of *People v. Molina*, and held that the odor of raw cannabis alone gave the police officer probable cause to search a motor vehicle, reversing the ruling of the Circuit Court for the Fourteenth Judicial Circuit, Whiteside County. Molina petitioned this Court for leave to appeal, and this Court granted that petition.

This Court then granted the parties' joint motion to consolidate these cases, resulting in a briefing schedule that has Redmond, even though an appellee, filing his brief as the opening brief.

ISSUE PRESENTED FOR REVIEW (Redmond only)

1. Does the plain odor of cannabis, detected by a police officer during a traffic stop, standing alone, give the police officer probable cause to search the vehicle?
2. Did the trial court err in ruling that none of the other alleged indicia of criminal

activity amounted to probable cause in conjunction with the plain smell of cannabis?

STATEMENT OF JURISDICTION

Third District's Order was issued on November 15, 2022. The State filed a timely Petition for Leave to Appeal, and this Court allowed the Petition on March 29, 2023. This Court has jurisdiction pursuant to Supreme Court Rule 315.

INTRODUCTION TO REDMOND BRIEF

There is a great temptation on the part of Defendant-Appellant, Ryan Shaver Don Redmond ("Redmond"), to simply recite the last paragraph of the Third District Appellate Court's decision in this case and stand on that:

"As was the case in (*People v Stribling*), no evidence existed in this case to lead a reasonable officer to conclude that there was a reasonable probability that Redmond's vehicle contained contraband or evidence of criminal activity giving rise to probable cause to search. (citation omitted). Under the circumstances of this case, we hold that the circuit court did not err when it granted Redmond's motion to suppress."

Redmond, while strongly supporting the position of the defendant in the consolidated *Molina* appeal, realizes that there are distinctions between what an objectively reasonable police officer believes when confronted with the smell of raw cannabis versus what is objectively reasonable to conclude after smelling burnt cannabis.

As such, Defendant Redmond will confine his argument to the issues raised by the odor of burnt cannabis detected by Trooper Combs in his vehicle.

What Defendant will not do, at least not until the next brief, is rehash the arguments and Third District Appellate Court ruling pertaining to the other factors upon which Trooper Combs supposedly relied in determining that he had probable cause to search Redmond's

vehicle. First, the evidence at the hearing on the motion to suppress...that Trooper Combs was confident that the plain smell of burnt cannabis gave him probable cause to search Redmond's vehicle... demonstrated that these

observations were afterthoughts and *post hoc* rationalizations. Judge Dalton and the Appellate Court may not have treated them with that level of disdain, but each agreed that they did not give any greater reason to believe criminal activity was afoot.

Second, Redmond suspects that this Court did not grant leave to appeal to both this case and *Molina* to review the trial court's factual determinations concerning Redmond's travel plans and the Appellate Court's review of those determinations. This Court granted leave to appeal to resolve an important Fourth Amendment issue, in both its raw and burnt incarnations, which has been plaguing the lower courts since the legalization under most circumstances of small amounts of cannabis for recreational use.

STATEMENT OF FACTS

Illinois State Police Trooper Hayden Combs testified that on September 15, 2021, he was on patrol around milepost 19 on Interstate 80. (Sup. R. 8) There, Combs observed a silver Kia driven by Redmond traveling at 73 miles per hour in an area with a 70 miles per hour speed limit. (Sup. R. 9) Combs also observed the registration plate was affixed with only one bolt, causing it to "swing down and hang at an almost vertical position instead of the statutory horizontal position." (Sup. R. 9) Based upon these observations, Combs initiated a traffic stop. (Sup. R. 9)

Combs approached the vehicle from the passenger side. (Sup. R. 10) Combs testified that, when the window rolled down, he "smelled the odor of burnt cannabis emitting from

the vehicle.” (Sup. R. 10) At that time, Combs did not observe anything inside the vehicle that was “emitting cannabis.” (Sup. R. 10) Combs clarified that he did not see burning cannabis or “anything that appeared to be lit or on fire” (Sup. R. 10) Combs testified that he “found evidence of something that looked to be lit before the traffic stop in the vehicle.” (Sup. R. 10)

Combs told Redmond that he smelled the odor of burnt cannabis coming from inside the vehicle, and Redmond told Combs that he had not smoked cannabis in the vehicle. (Sup. R. 11) Combs reiterated that he smelled the odor of burnt cannabis coming from the vehicle. (Sup. R. 11) Combs was aware that cannabis had been decriminalized¹ in certain circumstances prior to the September 15, 2020 traffic stop. (Sup. R. 11) Combs testified that a “large portion of (his) decision” to search the vehicle was based on his detection of the odor of burnt cannabis coming from inside the vehicle. (Sup. R. 11)

Combs testified that Interstate 80 was a known drug corridor across the United States and based on his training and education, Des Moines, Iowa and Chicago, Illinois are hubs of criminal activity. (Sup. R. 12)

On cross-examination, Combs testified that he had been a state trooper for three years, during which time he had made “hundreds” of traffic stops, of which “too many to count” involved cannabis or the odor of cannabis. (Sup. R. 14) As a state trooper, Combs received training on how to detect the odor of burnt cannabis. (Sup. R. 14) During the

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This appears to be a misstatement of the law. As this Court knows, the use of small amounts of recreational cannabis was legalized before September 2020; it’s possession had been decriminalized in small amounts several years earlier.

training, Combs was provided with a cup containing raw cannabis and a cup containing burnt cannabis, and he was given the opportunity to smell the two types to learn the difference between the two. (Sup. R. 14) Combs had detected the smell of burnt cannabis during prior traffic stops. (Sup. R. 14)

Combs testified that he made contact with Redmond, who was driving, through the passenger-side window. (Sup. R. 15) When Redmond rolled down the window, Combs smelled a “very strong” odor of burnt cannabis. (Sup. R. 15) Combs asked Redmond for his license and registration, but he was unable to provide it. (Sup. R. 15) Combs asked Redmond to step out of the vehicle; and when he did so, Combs was still able to smell the odor of cannabis from inside of the vehicle. (Sup. R. 16) Combs searched Redmond’s person, read him his Miranda rights, and placed him inside of his squad car. (Sup. R. 16)

Combs asked Redmond questions while inside the squad car. Redmond told Combs he was traveling from Des Moines, Iowa, to Chicago, Illinois, but when asked why he was making the trip, Redmond did not provide Combs with a “straight answer.” (Sup. R. 17) Redmond had lived in both Chicago and Des Moines, but Redmond did “not exactly” cooperate when Combs asked for Redmond’s home address or the purpose of this trip. (Sup. R. 17) Redmond informed Combs that he rented the vehicle using the name of a third party because he did not have a debit card. (Sup. R. 19) Redmond and Combs went back and forth regarding whether Redmond lived in Iowa or Illinois Combs asked Redmond if he had ever been in trouble with the law before, and he admitted that he had served time in prison on drug charges. (Sup. R. 20)

On redirect, Combs testified that Redmond told him he was staying with a girlfriend in Iowa because of Covid. (Sup. R. 21) Redmond's driver's license was issued in Illinois with a Chicago address. (Sup. R. 21) Combs sought to confirm Respondent's address because he did not have a driver's license on his person. (Sup. R. 22) At that point in the encounter, Combs had already detained Redmond due to the odor of cannabis emitting from the vehicle. (Sup. R. 23)

On recross, Combs testified he needed Redmond's address so that he could issue a ticket. (Sup. R. 25) Combs asked Redmond where he was staying in order to obtain the most up-to-date address. (Sup. R. 25)

The trial court questioned Combs, asking whether Redmond pulled over right away or made any furtive movements. (Sup. R. 26) Combs responded that Redmond pulled over after Combs activated his lights, nor did he notice any furtive movements. (Sup. R. 26) Combs had Redmond exit the vehicle, he spoke to Redmond in front of Combs' squad car. (Sup. R. 26-27) Combs testified that he could not recall whether he smelled the burnt cannabis on Redmond's person as they were standing next to his vehicle, but he did not smell burnt cannabis when Redmond was in the backseat of his squad car. (Sup. R. 27) Combs testified it was not immediately apparent whether Redmond was impaired by cannabis or anything else when he spoke to him. (Sup. R. 28) The court asked Combs if he was trained to recognize signs of impairment cause by the use of cannabis. (Sup. R. 28) Combs testified that bloodshot eyes or glassy eyes and dry mouth are among the field sobriety tests that are applicable to suspected cannabis users. (Sup. R. 28) Combs did not initially observe those indicators on Redmond. (Sup. R. 29)

On recross-examination, Combs testified the strong odor of burnt cannabis suggests a violation of 625 ILCS 5/11-505.15, prohibiting the use of cannabis in a motor vehicle. (Sup. R. 29) Combs was “absolutely” concerned that the vehicle also contained improperly packaged cannabis or an amount that was not authorized under the Cannabis Control Act. (Sup. R. 29)

On further redirect, Combs testified his interpretation of the law is that it is illegal to smoke cannabis in a motor vehicle, regardless of whether it is in motion. (Sup. R. 29-30) Combs was aware that a person may have smoked cannabis in their home and entered into a vehicle; Combs also acknowledged that Redmond could have left his home in Des Moines, Iowa and stopped at a truck stop “taken a walk and smoked a joint.” (Sup. R. 31)

In its written Order (C. 22-27), the trial court granted Redmond’s Motion to Suppress, finding that the smell of burnt cannabis, standing alone, is insufficient to establish probable cause. (C. 27) The trial court noted Combs’s testimony that his suspicion that Respondent may be engaged in illegal activity was raised when he smelled the odor of burnt cannabis emitting from Redmond’s vehicle, and Redmond was traveling on I-80, “in (Combs’) words, a known (drug) trafficking corridor.” (C. 22) The trial court also noted Combs’s testimony that Redmond did not exhibit signs of impairment or other signs that would indicate the recent use of cannabis, and Combs did not detect the odor of raw cannabis or observe any paraphernalia or loose cannabis in plain view inside the vehicle. (C. 22-23)

The trial court defined the issue as “whether the smell of burnt cannabis is sufficient to provide probable cause to search Redmond’s vehicle.” (C. 23) The court emphasized that the search in this case was conducted in September 2020, nine months after the State of

Illinois legalized the use of and possession of cannabis. (C. 23) In the Order, the trial court cited to *Hill*, noting that court found it unnecessary to address the narrow legal question of whether the smell of cannabis alone provided probable cause to search the defendant's vehicle as previously held by our Supreme Court in *Stout*, because in *Hill*, there were other factors in conjunction with the smell of raw cannabis that gave rise to probable cause to search the vehicle. (C.23) The trial court noted the *Hill* Court's finding that, at the time of the stop, the cannabis had been decriminalized in small amounts, but remained illegal to possess at that time. (C.23) The trial court further noted the totality of the circumstances in *Hill* included additional facts, i.e. the time it took to pull the defendant over; the passengers admitting to the recent use of cannabis, and the fact that the officer saw cannabis in the rear seat of the vehicle. (C.23)

The trial court reiterated the legalization of cannabis in 2020, noting the amount of cannabis as well as the manner of packaging were both limited and defined by statute as to how the drug can be transported. (C. 24) The trial court addressed Combs's testimony that he smelled burnt cannabis while standing outside the vehicle. The court did not find under the totality of the circumstances that Redmond's living arrangements and travel plans were "suspicious in any way." (C. 25) The court also found unpersuasive Combs's testimony that I-80 is a drug trafficking corridor because Interstate 80 is a primary route for motorists traveling east to west across the United States. (C. 25) The court concluded "the fact that Trooper Combs smelled burnt cannabis coming from Redmond's vehicle does not render this route suspicious where it is otherwise objectively not suspicious." (C. 25)

The court stated the smell of burnt cannabis is indicative of the use of cannabis by Redmond, or at least that Redmond was in the proximity of a person who was smoking cannabis, but the court emphasized that the odor of burnt cannabis was not indicative of how recently cannabis was ingested or whether that ingestion was by Redmond or others. The court believed Redmond's exposure to the odor of cannabis could have been days prior to the traffic stop or immediately prior to the stop because the odor of cannabis "can permeate clothing and remain with the person wearing that clothing for some time." (C. 26) Combs did not see any indicators that Redmond was under the influence of cannabis, nor did he see indicators that Redmond had recently used cannabis. (C. 26) The court found there was no evidence that Redmond did not pull over immediately, so there was nothing to suggest that Redmond delayed stopping so that he might otherwise dispose of contraband, and Combs did not observe any unpackaged cannabis, paraphernalia, or other evidence indicative of illegal transportation, consumption or possession of cannabis. (C.26)

The court recognized this Court's holding in *Stout* that the smell of burnt cannabis alone provides probable cause to search a vehicle. (C. 27) But, the court distinguished *Stout* on the basis that possessing any amount of cannabis was illegal at the time *Stout* was decided. (C. 27) The court found there was no evidence Redmond "recently used cannabis, again just prior to driving or while driving." (C. 27) The court concluded that a person could use cannabis "wholly within the bounds of Illinois law, and yet, smell of either burnt or raw cannabis for some time after." (C. 27) "If the court were to find that the smell of cannabis (whether it be raw or burnt) is, standing alone, probable cause to search a vehicle, it would create an untenable situation. A person could exercise his statutory right to possess and

consume cannabis only to give up his rights under the Fourth Amendment with no evidence that he possessed and consumed cannabis Illegally.” (C. 27) On this basis the court granted Redmond’s Motion to Suppress. (C. 27-28)

The Appellate Court affirmed the trial court’s order suppressing the evidence due to lack of probable cause. The Court, citing its very recent holding in *People v. Stribling*, 2022 IL App (3d) 210098, held that the plain smell of burnt cannabis is not sufficient to establish the degree of probability of criminal activity to allow for a search of a motor vehicle. The Appellate Court rejected the State’s argument that the other factors Trooper Combs used to justify his search, including where and why Redmond was driving on the interstate at that time and how he explained his living situation with his girlfriend to avoid COVID issues, should serve to raise any suspicion about whether Redmond was engaging in criminal activity.

ARGUMENT

THIS COURT SHOULD AFFIRM THE DECISION OF THE THIRD DISTRICT APPELLATE COURT BECAUSE IT IS BASED ON A SOUND UNDERSTANDING OF THE MEANING OF THE TERM “PROBABLE CAUSE,” AND HOW THE LEGALIZATION OF SMALL AMOUNTS OF RECREATIONAL CANNABIS CHANGED THE ANALYSIS WHEN AN INVESTIGATING POLICE OFFICER SMELLS BURNT CANNABIS

STANDARD OF REVIEW

Ruling on a motion to suppress evidence involves a mixed question of law and fact in which the trial court must (1) weigh the evidence and determine the facts surrounding the complained-of conduct and then (2) decide whether, as a matter of law, the facts constitute an unconstitutional seizure. *People v. Cox*, 202 Ill. 2d 462, 465-66, 782 N.E.2d 275, 278

(2002). A circuit court's determination on a motion to suppress will be accorded great deference. *People v. Koutsakis*, 272 Ill. App. 3d at 162, 649 N.E.2d at 607. However, higher courts review the circuit court's ultimate ruling on a defendant's motion to suppress evidence *de novo*. *People v. Gherna*, 203 Ill. 2d 165, 175, 784 N.E.2d 799, 805 (2003).

A. The Third District's Decisions in *Stribling* and the Instant Case Should Be Upheld.

Redmond's main argument, reduced to its essentials, is very simple. This Court decided *People v. Stout*, 106 Ill. 2d 77, 477 N.E.2d 498 (1985), at a time when it was not legal under any circumstances to possess cannabis. That decision was followed by *People v. Hill*, 2020 IL 124595 which dealt with almost the same legal issue in a very slightly modified context: possession of small amounts of cannabis had been decriminalized, but it remained unlawful to possess any amount.

The assessment of whether a police officer conducting a traffic stop had probable cause to conduct a search has not changed at all. Probable cause to search for evidence or to seize evidence requires that an officer is possessed of sufficient facts and circumstances as would lead a reasonable person to believe that evidence or contraband relating to criminal activity will be found in the location to be searched. *People v. Smith*, 95 Ill.2d 412, 419 (1983).

However, it is self-evident that the probable cause assessment is inextricably tied to what the officer observes **in the context of the law at the time of the search**. How else could the probability of criminal activity be assessed EXCEPT in the context of what the law provided at the time of the stop?

That was the holding of the Third District in the instant case and *People v Stribling*, 2022 IL App (3d) 210098. This Court should affirm based on these precedents, and the definition of probable cause, as applied to the facts in this case as found by the trial court.

So the question is begged: in the post-legalization world, what does it mean to a reasonable police officer who, based upon his training and experience, detects the plain odor of burnt cannabis while conducting a traffic stop?

Redmond has never contended that a police officer, trained to recognize the odor of burnt cannabis, cannot state without hesitancy that recent criminal activity is at least a possibility based solely on the odor he detects when he makes contact with the driver of a motor vehicle he has stopped lawfully. The officer could draw inferences of criminality if he observed, for example, the impairment of a driver, the suggestion that cannabis could have been transported contrary to the specific limitations of the statute, a driver acting suspiciously or appearing to conceal something from the officers.

Because this case does not have any of those additional factors, the court is left with “possibility,” which, is not “probability”, and that is what is required for an officer to have probable cause to search a motor vehicle. Otherwise, without more, the officer is merely speculating that there is criminal activity afoot, in the post-legalization era.

Once the possession and use of cannabis meant for smoking became legal in ordinary, day-to-day living circumstances, the odor of burnt cannabis...ALONE... emanating from a vehicle or passenger, lacks a clear and direct enough connection to illegal activity to make it “probable” that a crime has recently been committed or is being committed.

The possibility of additional circumstances heightening the likelihood of illegal activity tied to the smell of burnt cannabis was explored by both lower court's rulings. For example, the trial court found it particularly significant that Trooper Combs found no evidence of recent consumption or Redmond's impairment. Because it is not legal to operate a vehicle while impaired by cannabis, even the slightest evidence of impairment could change the equation of {Observation + Inference from Training and Experience}= Probable Cause

The Third District's opinion in *Stribling*, which is virtually identical to the Appellate Court's reasoning in this case, is quoted favorably on why none of the additional factors needed to get from "possibility" to "probability is present here:

"Redmond did not delay pulling over or make any furtive movements, he rolled down the window when Combs came to the passenger side of the vehicle, and Combs did not observe any cannabis or related drug paraphernalia in the vehicle, smoke in the vehicle, or signs of impairment Redmond also told Combs that he had not smoked cannabis in the vehicle. Further, there was no odor of raw cannabis nor any other factor indicative of improperly packaged cannabis or an unlawful amount of it in the vehicle, despite Combs's claim that he was concerned about such matters.² 022 Ill. App. 3d 210524 (Ill. App. Ct. 2022), ¶ 22."

The lack of impairment/lack of evidence of recent active, burning material/lack of furtive movements/ lack of evidence of paraphernalia takes the Court to the idiosyncratic factors Trooper Combs tried to use to back up his already-made determination of probable cause (See Sup. R. 11) i.e. they all could contribute to the totality of the circumstances, if they individually or collectively amounted to anything.

Trooper Combs, however, attempted to create additional scenarios to lend suspicion where the smell of cannabis was the ONLY objectively observable fact which might

contribute to the possibility of illegal activity. Redmond will spare this Court a “third time is the charm” detailed factual analysis of why Redmond’s travel and living arrangements, or his presence driving from Iowa to Illinois, are not objective indicia of potential criminal activity; it would merely be echoing the reasonable determinations of the lower courts.

B. The Odor of Burnt Cannabis Is Entirely Consistent with Legal Use of Cannabis

There are additional reasons to reject the idea that the mere smell of burnt cannabis establishes the probability of criminal activity being afoot.. First, smoking cannabis in small amounts is legal immediately before driving a car. Second, it would be shocking if every judge or attorney who reads this brief and this record did not attend college after 1967. It would be equally shocking if they did not encounter the smell of burnt cannabis and understand that this odor is distinct and, at least to some extent, lingering. Because of those two facts, the probabilities are not compelling regarding what criminal activity might be established by the odor of burnt cannabis alone.

Beyond these basic issues, Judge Dalton’s initial decision is consistent with how Americans value Fourth Amendment rights. Even though the legal use of cannabis via smoking is still in its infancy, the rights attendant to being free from unreasonable searches and seizures are not. If *Stout* and *Hill* were still the law after the recreational use of cannabis became legal, anyone who smoked cannabis and either did not change his clothes or bathe before driving a car would not have the same Fourth Amendment rights as persons who may have engaged in similarly legal activities which trigger olfactory responses consistent with the *possibility* of criminal activity. That would seem to yield the type of absurd construction of the Fourth Amendment which courts attempt to avoid.

C. Recent Decisions from Other States Support Changing the Probable Cause Analysis Due to the Legalization of the Recreational Use of Cannabis.

Several different state high courts have held that the plain odor of cannabis cannot, standing alone, provide probable cause for a warrantless vehicle search.

In *Pennsylvania v Barr*, 28 MAP 2021, the Pennsylvania Supreme Court recently held that following the legalization of cannabis “in most situations”, the plain smell of cannabis no longer justifies a warrantless search of a motor vehicle without additional facts giving reason to believe criminal activity is afoot. The Supreme Courts of Massachusetts (*Commonwealth v. Overmyer*, 459 Mass. 459)) and Colorado (*Colorado v. McKnight*, 2019 Col. 36, holding that a dog alerting to the smell of cannabis cannot, standing alone, justify a search of a motor vehicle), along with *Barr*, all support the idea that the plain smell of cannabis alone, in the post-legalization world, does not give an officer probable cause to search a motor vehicle.

CONCLUSION

For these reasons, Defendant-Appellant, Ryan Shaver Don Redmond respectfully requests that this Court affirm the ruling of the Third District Appellate Court, and remand for further proceedings




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CERTIFICATE OF COMPLIANCE

I, Bruce L. Carmen , certify that this brief conforms to the requirements of Rules 341(a) and (b). The length of this brief, excluding the pages or words contained in the Rule 341(d) cover, the Rule 341(h)(1) table of contents and statement of points and authorities, the Rule 341(c) certificate of compliance, the certificate of service, and those matters to be appended to the brief under Rule 342(a), is 15 pages.

DATE: July 5, 2023



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APPENDIX

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IN THE CIRCUIT COURT OF THE FOURTEENTH JUDICIAL CIRCUIT
HENRY COUNTY, ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS,)

Plaintiff,)

v.)

RYAN SHAVOR DON REDMOND)

Defendant.)

No. 20CL27
20TR3348

ORDER

On or about September 17, 2020, Trooper Combs of the Illinois State Police, conducted a traffic stop on a vehicle driven by the Defendant, Mr. Redmond, for speeding, more specifically for traveling at a rate of 73 mph in a 70 mph zone as well as having an improperly secured license plate. Upon approaching the defendant's vehicle, and contacting the Defendant, Trooper Combs testified that he smelled the odor of burnt cannabis. Trooper Combs testified that during the traffic stop, Mr. Redmond discussed his travel plans and his living situation, both of which Trooper Combs deemed suspicious. In addition, Trooper Combs testified that the fact that Mr. Redmond was traveling from Des Moines, Iowa, to Chicago, Illinois, via Interstate-80 (in his words, a known trafficking corridor) further raised his suspicions that Mr. Redmond was engaged in illegal activity, to wit: the illegal possession of cannabis, the illegal transportation of cannabis, and/or the trafficking of cannabis.

It should be noted that during his interaction with Mr. Redmond, Trooper Combs testified that the Defendant did not exhibit any signs of impairment or other signs that would be indicative of the recent use of cannabis. Moreover, Trooper Combs did not see anything in the vehicle that

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Terilyn A. Mbtley, Clerk of Circuit Court
By [Signature] Deputy

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would indicate the recent use of cannabis by the defendant in the vehicle prior to the stop. That is, Trooper Combs did not see any paraphernalia, loose or unpackaged cannabis about the vehicle or the odor of raw cannabis emanating from the vehicle. Nonetheless, Trooper Combs conducted a warrantless search of the vehicle believing that he had probable cause to do so based on the totality of the circumstances.

The issue in the instant case is whether the smell of burnt cannabis is sufficient to provide probable cause to search the defendant's vehicle. Unlike past cases that address this issue, this search was conducted in September of 2020, almost nine months after the possession and use of cannabis was legalized in the State of Illinois.

In *People v. Hill*, the most recent Illinois Supreme Court case addressing this issue, the Court held that smell of raw cannabis provided probable cause to search a vehicle. *People v. Hill*, 2020 IL 124595 (2020). At the outset of *People v. Hill*, the Court found it unnecessary to address the narrow legal question of whether the smell of cannabis alone provided probable cause to search the defendant's vehicle (as held by *People v. Stout*, 106 Ill. 2d 77 (1985)) because in *Hill* there were other factors that, in conjunction with the smell of raw cannabis, gave rise to probable cause to search the vehicle. *People v. Hill*, 2020 IL 124595 (2020). In *Hill*, the Court found that, at the time of the stop and search of the defendant's vehicle, cannabis had been decriminalized in small amounts but nonetheless remained contraband as it was not legal to possess at that time. *Id.* Moreover, the Court found that the totality of circumstances, not just the smell of raw cannabis, contributed to the finding of probable cause, to wit: the time it took the defendant to pull over and stop his vehicle, passengers admitting to the recent use of cannabis, and the fact that the officer saw a "bud" of cannabis on the rear seat of the vehicle. *Id.* The Court held that these factors, in

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conjunction with the fact that cannabis was not legal to possess at the time, provided probable cause to search the vehicle given the totality of the circumstances. *Id.*

People v. Hill, as well as the myriad of past cases in Illinois, addressed whether the smell of cannabis standing alone, or in conjunction with additional factors, give rise to probable cause to conduct a search of a vehicle. These cases all address these issues at time when the possession of cannabis in Illinois was either outright illegal or was decriminalized. In either case, as the Court in *Hill* indicated, cannabis was contraband when these cases were decided. That is no longer the case.

The possession and use of cannabis were legalized in Illinois in 2020. Legalization notwithstanding, there are limits as to the amount that can be possessed. Cannabis must also be packaged in sealed, odor-proof, containers when transported. 625 ILCS 5/11-502.15(c). In addition, it remains unlawful to use cannabis in a moving vehicle, whether by the driver or passengers.

In the instant case, Trooper Combs conducted the traffic stop based on the IVC infractions of speeding (73mph in a 70mph zone) as well as an improperly mounted rear license plate. Trooper Combs testified that when speaking to the defendant during the initial portion of the traffic stop, he recognized the smell of burnt cannabis coming from the defendant's vehicle.

Trooper Combs then had the defendant exit his vehicle and engaged him in conversation both outside of the vehicle and while the defendant was placed in Trooper Combs vehicle. Trooper Combs testified that during this conversation he did not see any signs of impairment of Mr. Redmond, nor did he observe anything that suggested the recent use of cannabis by Mr. Redmond. During this exchange, Trooper Combs testified that he learned of Mr. Redmond's living situation and travel plans. According to Trooper Combs, the smell of burnt cannabis, Mr. Redmond's living

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situation and travel plans, as well as the fact that Mr. Redmond was traveling Interstate 80 (again, in his words, a trafficking corridor) made him suspicious that Mr. Redmond was engaged in criminal activity. Accordingly, Trooper Combs conducted a probable cause search of Mr. Redmond's vehicle.

In determining whether Trooper Combs had established probable cause to search the Defendant's vehicle, the court must consider the totality of the facts and circumstances known to Trooper Combs at the time he conducted the search. *People v. Hill*, 2020 IL 124595 (2020). In applying *Hill*, the court will first address the other factors considered by Trooper Combs outside the smell of burnt cannabis. Standing alone, the court finds there is nothing objectively suspicious about Mr. Redmond's living arrangements or his travel plans. Of course, the analysis requires the court to consider the totality of the circumstances when determining whether probable cause existed. That said, the court fails to see how adding the smell of burnt cannabis to the analysis of Mr. Redmond's living arrangements and travel plans somehow now makes them suspicious in any way.

Again, the court must consider the totality of the circumstances known to Trooper Combs at the time of the search. Trooper Combs testified that the fact that Mr. Redmond was traveling a known "trafficking corridor" further added to his suspicions. Again, the court finds this unpersuasive. Interstate 80 is the most direct route from Des Moines, Iowa, to Chicago, Illinois. Overall, Interstate 80, is one of, if not the primary route for motorists to travel East to West across the entire United States of America. The fact that Trooper Combs smelled burnt cannabis coming from the defendant's vehicle does not render this route suspicious where it is otherwise objectively not suspicious.

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Considering the totality of the circumstances, the court finds that nothing about Mr. Redmond's living arrangement, travel plans, or travel route adds to the likelihood that Mr. Redmond was engaged in criminal conduct even when considered alongside the fact that Trooper Combs smelled burnt cannabis.

The smell of burnt cannabis *is* indicative of the use of cannabis by Mr. Redmond or, at the very least, that Mr. Redmond was in the proximity of a person or persons who were smoking cannabis. It *is not* indicative of how recently cannabis was ingested or whether that ingestion was by Mr. Redmond or other persons he was around without additional indicators. His use, or his exposure to its use, could have been days prior or immediately prior to the traffic stop as smell of burnt cannabis can permeate clothing and remain with the person wearing that clothing for some time.

Trooper Combs testified that when talking to the Mr. Redmond, he did not see any indicators that Mr. Redmond was under the influence of cannabis, nor did he see any indicators that Mr. Redmond had recently used cannabis (whether in the vehicle just prior to the traffic stop or just prior to driving that day in general). Moreover, Trooper Combs offered no testimony that Mr. Redmond did not immediately pull over, that is, there is nothing to suggest that Mr. Redmond delayed stopping for Trooper Combs so that he might secret or otherwise dispose of contraband as in *Hill*. Trooper Combs did not see any unpackaged cannabis, paraphernalia, or anything else indicative of the illegal transportation, illegal consumption, or illegal possession of cannabis under Illinois law.

As noted above, there is nothing about Mr. Redmond's living arrangements, travel plans or travel route that adds to the probable cause analysis. In the court's view, the addition of the smell of burnt cannabis to that analysis does not otherwise change or rule out their innocent

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explanations. This leaves the court to determine whether the smell of burnt cannabis alone would justify a reasonable person in believing that Mr. Redmond's vehicle contains contraband or evidence of criminal activity.

In *People v. Stout*, the Court held that the smell of burnt cannabis alone provides probable cause to search a vehicle. *People v. Stout*, 106 Ill. 2d 77 (1985). At the time *Stout* was decided, possession of cannabis in any amount was illegal in Illinois. This is no longer the case. Cannabis possession and use in Illinois was legal at the time of the traffic stop in question.


There is no evidence Mr. Redmond had recently used cannabis, again just prior to driving or while driving, when he was stopped by Trooper Combs. There is no evidence that Trooper Combs saw anything else to suggest that Mr. Redmond's was illegally transporting raw or burnt cannabis. Trooper Combs did not see any loose cannabis, paraphernalia, or anything else that suggested raw or recently burnt cannabis was present in the Mr. Redmond's vehicle or on his person.

The smell of burnt cannabis is unmistakable for those that have been exposed to it, whether they be trained police or a lay person. As noted above, this smell can, and often does, permeate one's clothing, hair, and personal affects and this odor may be remain for an appreciable amount of time. A person could possess and use cannabis wholly within the bounds of Illinois law, and yet, smell of either burnt or raw cannabis for some time after. If the court were to find that the smell of cannabis (whether it be raw or burnt) is, standing alone, probable cause to search a vehicle, it would create an untenable situation. A person could exercise his statutory right to possess and consume cannabis only to give up his rights under the Fourth Amendment with no evidence that he possessed or consumed cannabis illegally. This court declines to impose that choice upon the defendant or any other similarly situated individual. Accordingly, this court finds the search of

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Mr. Redmond's vehicle to be in violation of his Fourth Amendment rights. The motion to suppress is allowed.

11/30/21
Date



Judge of the 14th Judicial Circuit

2022 IL App (3d) 210524

Opinion filed November 15, 2022

IN THE
APPELLATE COURT OF ILLINOIS
THIRD DISTRICT

2022

THE PEOPLE OF THE STATE OF ILLINOIS,	)	Appeal from the Circuit Court of the 14th Judicial Circuit, Henry County, Illinois.
Plaintiff-Appellant,)	
v.	)	Appeal No. 3-21-0524 Circuit Nos. 20-CL-27 and 20-TR-3348
RYAN SHAVAR DON REDMOND,)	
Defendant-Appellee.	)	The Honorable Daniel P. Dalton, Judge, Presiding.

JUSTICE McDADE delivered the judgment of the court, with opinion.
Justices Daugherty and Hettel concurred in the judgment and opinion.

OPINION

¶ 1 Following a traffic stop and subsequent search of his vehicle, the defendant, Ryan Shavar Don Redmond, was charged with unlawful possession of cannabis (720 ILCS 550/4(a) (West 2020)). He filed a motion to suppress evidence, alleging that the officer who stopped him lacked probable cause to search his vehicle. After a hearing, the circuit court granted the motion, and the State appealed. On appeal, the State argues that the circuit court erred when it found that the odor of burnt cannabis emitting from a vehicle was insufficient to support a probable cause determination. We affirm.

¶ 2

I. BACKGROUND

¶ 3

On the night of September 15, 2020, Illinois State Police officer Hayden Combs was in his parked squad car around mile marker 19 on Interstate 80 in Henry County when he observed a silver Kia sport utility vehicle with an improperly secured license plate traveling three miles per hour above the speed limit. Combs effectuated a traffic stop of the vehicle, which was being driven by Redmond. Redmond pulled over immediately, and he did not make any furtive movements.

¶ 4

Combs approached the passenger side of the vehicle, and Redmond rolled down the window. Combs testified that he smelled a strong odor of burnt cannabis emanating from the vehicle. He did not see anything in the vehicle that was lit or emitting the odor. When Combs asked about the odor, Redmond stated that he had not smoked cannabis in the vehicle.

¶ 5

Combs also asked Redmond for his license and registration, which he was unable to provide. Combs then asked Redmond to step out of the vehicle, and Redmond complied. He could not recall whether he smelled the odor of burnt cannabis on Redmond's person. Combs also admitted that Redmond did not exhibit any signs of impairment.

¶ 6

Combs led Redmond to the front of the squad car and conducted a pat-down search. Combs also read Redmond his *Miranda* rights (see *Miranda v. Arizona*, 384 U.S. 436 (1966)), told him he was not free to leave, and then asked him numerous questions, including about the nature of his trip. Redmond said he was coming from Des Moines, Iowa, where he had been staying with a girlfriend due to COVID, and headed to Chicago, Illinois, where he lived. Combs testified that he construed Redmond's comment that he was "staying" in Des Moines as a statement that he was "living" there. Combs further claimed that Redmond did not give a straight answer on his address or the purpose of his trip.

¶ 7 Combs was able to retrieve Redmond's driver's license information, which revealed a valid Illinois license with a Chicago address. Further, Redmond told Combs that the vehicle had been rented for him by a friend in Des Moines because he did not have a debit card to be able to rent it himself.

¶ 8 Combs stated that "a large portion" of his decision to search the vehicle was based on the smell of burnt cannabis. He also stated that, based on his training and experience, "I-80 is a known drug corridor across the United States" and "Des Moines, Iowa is a hub of criminal activity and so is Chicago, Illinois." He admitted that he thought he had probable cause to search the vehicle based solely on the smell of burnt cannabis. He also stated that the smell of burnt cannabis caused him to suspect a violation of the statute prohibiting the smoking of cannabis in a vehicle. He was also concerned that there may have been improperly packaged cannabis or an unlawful amount of it in the vehicle.

¶ 9 Combs found a plastic bag containing approximately one gram of cannabis in the center console of Redmond's vehicle. Redmond was given a citation for a misdemeanor violation of section 4(a) of the Cannabis Control Act (720 ILCS 550/4(a) (West 2020)).

¶ 10 On June 29, 2021, Redmond filed a motion to suppress the cannabis, which alleged that the mere odor of burnt cannabis did not provide Combs with probable cause to conduct a search of the vehicle Redmond was driving. The circuit court held a hearing on Redmond's motion on August 4, 2021, at which only Combs testified. At the close of the hearing, the court took the matter under advisement.

¶ 11 On November 10, 2021, the circuit court issued a written order granting Redmond's motion to suppress. The court characterized the issue as "whether the smell of burnt cannabis is sufficient to provide probable cause to search the defendant's vehicle." The court found that the

legalization of cannabis in Illinois rendered older case law distinguishable and emphasized that Combs did not observe any indicators to suggest Redmond had recently used cannabis. The court also dismissed Combs's other comments about the circumstances, finding Combs's claims that Interstate 80 was a "trafficking corridor" and that Redmond's answers to certain questions indicated that he was engaged in illegal activity were unpersuasive. Lastly, the court concluded:

"If the court were to find that the smell of cannabis (whether it be raw or burnt) is, standing alone, probable cause to search a vehicle, it would create an untenable situation. A person could exercise his statutory right to possess and consume cannabis only to give up his rights under the Fourth Amendment with no evidence that he possessed or consumed cannabis illegally. This court declines to impose that choice upon the defendant or any other similarly situated individual. Accordingly, this court finds the search of Mr. Redmond's vehicle to be in violation of his Fourth Amendment rights. The motion to suppress is allowed."

¶ 12 The State appealed.

¶ 13 II. ANALYSIS

¶ 14 On appeal, the State argues that the circuit court erred when it found that the odor of burnt cannabis, emitting from a vehicle, could not support a probable cause determination.

¶ 15 When reviewing a circuit court's decision on a motion to suppress evidence, we employ a two-part standard of review. *People v. Hill*, 2020 IL 124595, ¶ 14. First, we accord great deference to the circuit court's factual findings and reverse them only if they are against the manifest weight of the evidence. *Id.* Second, we review *de novo* the circuit court's ultimate legal conclusion on the motion to suppress. *Id.* We also note that when the facts are uncontroverted, as

they are in this case, our review is *de novo*. *People v. Stribling*, 2022 IL App (3d) 210098, ¶ 9 (citing *People v. Krueger*, 175 Ill. 2d 60, 64 (1996)).

¶ 16 In part, the fourth amendment protects citizens from unreasonable searches. U.S. Const., amend. IV. Warrantless searches are presumed to be unreasonable except in limited circumstances. *Stribling*, 2022 IL App (3d) 210098, ¶ 10. Under the automobile exception to the warrant requirement, “a warrantless search of a vehicle is not *per se* unreasonable as the transient nature of vehicles renders it unfeasible to secure a warrant before the vehicle leaves the jurisdiction, with the potential evidence of a crime or contraband in tow.” *Id.* The warrantless search of a vehicle is permitted when the officer has probable cause to conduct the search. *Id.* “Probable cause exists where the facts and circumstances known to the officer at the time would warrant a reasonable person to believe there is a reasonable probability that the automobile contains contraband or evidence of criminal activity.” *Id.* The circumstances are examined through the viewpoint of an objectively reasonable officer, who is allowed to rely on his or her training and experience. *Hill*, 2020 IL 124595, ¶ 23.

¶ 17 It is important to recognize that “[p]robable cause deals with probabilities, not certainties.” *Id.* ¶ 24. An officer need not rule out innocent explanations for facts he or she deems suspicious. *Id.* Rather, probable cause “requires only that the facts available to the officer—including the plausibility of an innocent explanation—would warrant a reasonable man to believe there is a reasonable probability ‘that certain items may be contraband or stolen property or useful as evidence of a crime.’ ” *Id.* (quoting *Texas v. Brown*, 460 U.S. 730, 742 (1983)).

¶ 18 Here, the State argues in part that case law still requires a holding that the odor of burnt cannabis is sufficient to support a probable cause finding. This contention ignores the impact of subsequent changes in the underlying law. The legislature can change the law as it sees fit,

subject to constitutional requirements. *Cf. Fure v. Sherman Hospital*, 64 Ill. App. 3d 259, 267 (1978). Legislative action can moderate, or even totally negate, the impact, the applicability, and the pertinence of prevailing case law. There have been such changes in the law regarding cannabis possession and use in Illinois. Cases such as *People v. Stout*, 106 Ill. 2d 77, 87 (1985) (holding that the odor of burnt cannabis without other corroborating evidence was sufficient to establish probable cause to search a vehicle), interpreted the law when all cannabis possession was illegal. With the changes brought about by the Cannabis Regulation and Tax Act (410 ILCS 705/1-1 *et seq.* (West 2020)), those cases are no longer applicable. See *Stribling*, 2022 IL App (3d) 210098, ¶ 29 (holding that “the supreme court’s holding in *Stout* is no longer applicable to postlegalization fact patterns”).

¶ 19 In *Stribling*, a different panel of this court recently addressed the exact issue presented by this appeal. In that thorough and well-reasoned decision, the *Stribling* court first examined the history of cannabis regulation in Illinois. *Id.* ¶¶ 14-24. In part, the *Stribling* court noted that when all cannabis was illegal, our supreme court held in *Stout* that “when a trained and experienced police officer detects the odor of cannabis emanating from a defendant’s vehicle, the odor alone provided sufficient enough probable cause to search the vehicle under the automobile exception.” *Id.* ¶ 15 (citing *Stout*, 106 Ill. 2d at 88). Next, it was noted that the possession of medical cannabis was partially allowed by the legislature in 2013 with the enactment of the Compassionate Use of Medical Cannabis Pilot Program Act (410 ILCS 130/1 *et seq.* (West 2014)). *Stribling*, 2022 IL App (3d) 210098, ¶ 17. Subsequently, our supreme court decided *Hill*, which held, *inter alia*, that even after the change to the law regarding medical cannabis, the odor of raw cannabis could still *contribute* to the probable cause determination when other

corroborating factors were also present. *Id.* ¶ 21. It was also noted that in *Hill*, the corroborating factors were that

“(1) [the officer’s] training and experience indicated that the passengers in the car were hiding contraband or retrieving a weapon when the defendant delayed pulling over and (2) [the officer] ‘saw a loose “bud” in the back seat and smelled a strong odor of cannabis, which, together, indicate[d] that cannabis was in the car and, likely, not properly contained.’ ” *Id.* ¶ 20 (quoting *Hill*, 2020 IL 124595, ¶ 35).

¶ 20 The *Stribling* court then summarized the major change to the law regarding cannabis possession that took effect on January 1, 2020:

“Since *Hill*, Illinois became the eleventh state to legalize marijuana for adult, recreational use. As of January 1, 2020, under the Cannabis Regulation and Tax Act (410 ILCS 705/1-1 *et seq.* (West 2020)), an Illinois resident 21 years of age or older may possess up to and including 30 grams of cannabis, up to 500 milligrams of tetrahydrocannabinol (THC) in a cannabis-infused product, and 5 grams of cannabis concentrate. *Id.* § 10-10. Possession of more than these quantities and delivery of any amount remains illegal and subject to the penalties previously set. 720 ILCS 550/4(a), (b) (West 2020). Cannabis may not be possessed in a vehicle unless it is in a ‘reasonably secured, sealed container and reasonably inaccessible while the vehicle is moving.’ 410 ILCS 705/10-35(a)(2)(D) (West 2020). Moreover, a person may not use cannabis while in a vehicle (*id.* § 10-35(a)(3)(D)) or drive a vehicle if the

person has, within two hours of driving or being in actual physical control of a vehicle, a THC concentration in their blood or urine of either 5 nanograms or more of delta-9-THC per milliliter of whole blood or 10 nanograms or more of delta-9-THC per milliliter of other bodily substance (*id.* § 10-35(a)(5); 625 ILCS 5/11-501(a)(7) (West 2020); 625 ILCS 5/11-501.2(a) (West 2020)). The cannabis concentration limitations on driving do not apply if the person is a licensed patient under the Compassionate Use of Medical Cannabis Program Act. 625 ILCS 5/11-501(a)(7) (West 2020). In that case, the licensed patient may not drive a vehicle if impaired by the use of cannabis. *Id.*” *Id.* ¶ 23.

¶ 21 Next, the *Stribling* court examined the question of whether the enactment of the Cannabis Regulation and Tax Act had changed the probable cause determination for cannabis. *Id.* ¶ 24. That question was answered in the affirmative and resulted in a holding that “the smell of the burnt cannabis, without any corroborating factors, is not enough to establish probable cause to search the vehicle.” *Id.* ¶ 29. That holding was fully consistent with the supreme court’s decision in *Hill*.

¶ 22 As was the case in *Stribling*, there are no corroborating factors in this case to provide Combs with probable cause to search Redmond’s vehicle. Here, Combs merely smelled a strong odor of burnt cannabis emanating from inside the vehicle driven by Redmond, leading him to suspect that Redmond had smoked cannabis inside the vehicle. Redmond did not delay pulling over or make any furtive movements, he rolled down the window when Combs came to the passenger side of the vehicle, and Combs did not observe any cannabis or related drug

paraphernalia in the vehicle, smoke in the vehicle, or signs of impairment in Redmond.¹

Redmond also told Combs that he had not smoked cannabis in the vehicle. Further, there was no odor of raw cannabis nor any other factor indicative of improperly packaged cannabis or an unlawful amount of it in the vehicle, despite Combs's claim that he was concerned about such matters.

¶ 23 Additionally, neither Redmond's driving of a vehicle on Interstate 80 nor the fact that the vehicle was rented provided any rational support for Combs's suspicions. While Combs claimed Interstate 80 was a "known drug corridor," Combs acted on a suspicion of Redmond having smoked cannabis in a vehicle, not that he was a drug courier. Further, it is not reasonable to assume that all persons driving or riding in vehicles—including rented vehicles—traveling on such a major interstate highway are involved in narcotics-related activities. Combs's claim, if taken to its logical conclusion, would essentially subject every vehicle traveling on Interstate 80 to a search for narcotics. The United States and Illinois Constitutions do not give the police such unfettered and unreasonable access to the innocent activities of citizens or the unknown contents of people's vehicles.

¶ 24 Further, like the Interstate 80 "drug corridor" analysis, Combs's general belief that both Des Moines and Chicago were "hubs" of criminal activity provided no corroboration that Redmond was acting criminally in this case. Again, Combs's claim, taken to its logical conclusion, would essentially subject every resident of Des Moines and Chicago driving on Interstate 80 to vehicle searches based on some vague notion of them possibly engaging in

¹We also note that the traffic violations for which Combs stopped Redmond—driving three miles per hour over the speed limit and an improperly secured license plate—were not indicative of impairment. See *Stribling*, 2022 IL App (3d) 210098, ¶ 28.

criminal activity. It is simply not reasonable to assume that any or all residents of Des Moines and Chicago are criminals.

¶ 25 Lastly, Redmond’s answers to Combs’s questions provided no corroboration of his suspicions in this case. Combs clearly misconstrued at least the answers Redmond provided regarding residency. Redmond told Combs he lived in Chicago but had been staying with a girlfriend in Des Moines due to COVID. Combs—and only Combs—decided this meant Redmond “lived” in Des Moines. Even if that construction had been correct, it is unclear why it would be suspicious. Moreover, any suspicion should have been quickly dispelled when Combs determined that Redmond in fact had a valid Illinois driver’s license that listed a Chicago address.

¶ 26 As was the case in *Stribling*, no evidence existed in this case to lead a reasonable officer to conclude that there was a reasonable probability that Redmond’s vehicle contained contraband or evidence of criminal activity giving rise to probable cause to search. See *id.* ¶ 28. Under the circumstances of this case, we hold that the circuit court did not err when it granted Redmond’s motion to suppress.

¶ 27

III. CONCLUSION

¶ 28 The judgment of the circuit court of Henry County is affirmed.

¶ 29 Affirmed.

People v. Redmond, 2022 IL App (3d) 210524

Decision Under Review: Appeal from the Circuit Court of Henry County, Nos. 20-CL-27, 20-TR-3348; the Hon. Daniel P. Dalton, Judge, presiding.

**Attorneys
for
Appellant:** Catherine Runty, State's Attorney, of Cambridge (Patrick Delfino, Thomas D. Arado, and Nicholas A. Atwood, of State's Attorneys Appellate Prosecutor's Office, of counsel), for the People.

**Attorneys
for
Appellee:** Bruce L. Carmen, of Carmen Law Office, PC, of Cambridge, for appellee.

APPEAL TO THE APPELLATE COURT OF ILLINOIS
FOURTH JUDICIAL DISTRICT
FROM THE CIRCUIT COURT OF THE FOURTEENTH JUDICIAL CIRCUIT
HENRY COUNTY COUNTY, ILLINOIS

PEOPLE)	
	)	Reviewing Court No: 3-21-0524
Plaintiff/Petitioner	)	Circuit Court No: 2020TR3348
)	Trial Judge: Daniel P Dalton
v)	
)	
)	
REDMOND, RYAN SHAVAR DON)	
Defendant/Respondent)	

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APPEAL TO THE APPELLATE COURT OF ILLINOIS
FOURTH JUDICIAL DISTRICT
FROM THE CIRCUIT COURT OF THE FOURTEENTH JUDICIAL CIRCUIT
HENRY COUNTY COUNTY, ILLINOIS

PEOPLE)	
	)	Reviewing Court No: 3-21-0524
Plaintiff/Petitioner	)	Circuit Court No: 2020TR3348
)	Trial Judge: Daniel P Dalton
v)	
)	
)	
REDMOND, RYAN SHAVAR DON)	
Defendant/Respondent)	

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APPEAL TO THE APPELLATE COURT OF ILLINOIS
 FOURTH JUDICIAL DISTRICT
 FROM THE CIRCUIT COURT OF THE FOURTEENTH JUDICIAL CIRCUIT
 HENRY COUNTY COUNTY, ILLINOIS

PEOPLE)	
	)	Reviewing Court No: 3-21-0524
Plaintiff/Petitioner	)	Circuit Court No: 2020CL27
)	Trial Judge: Daniel P Dalton
v)	
)	
)	
REDMOND, RYAN SHAVAR DON)	
Defendant/Respondent)	

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APPEAL TO THE APPELLATE COURT OF ILLINOIS
FOURTH JUDICIAL DISTRICT
FROM THE CIRCUIT COURT OF THE FOURTEENTH JUDICIAL CIRCUIT
HENRY COUNTY COUNTY, ILLINOIS

PEOPLE)	
	)	Reviewing Court No: 3-21-0524
Plaintiff/Petitioner	)	Circuit Court No: 2020TR3348
)	Trial Judge: Daniel P Dalton
v)	
)	
)	
REDMOND, RYAN SHAVAR DON)	
Defendant/Respondent)	

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No. # 129201, 12937 Cons.

IN THE SUPREME COURT OF ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS,)	ON APPEAL FROM THE APPELLATE COURT
PLAINTIFF - APPELLANT,	)	OF ILLINOIS, THIRD JUDICIAL DISTRICT,
	)	#03-21-0523
v)	
	)	THERE ON APPEAL FROM THE CIRCUIT
	)	COURT OF HENRY COUNTY, ILLINOIS
RYAN DON SHAHOR REDMOND,	)	#20 CL 27 / 20 TR 3348
DEFENDANT-APPELEE.)	
	)	THE HON. JUDGE DANIEL P. DALTON
	)	JUDGE PRESIDING

CERTIFICATE OF SERVICE

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct.

The undersigned does hereby certify that on July 5, 2023, she sent via email, one copy of **BRIEF AND ARGUMENT OF DEFENDANT-APPELLANT, RYAN SHAVAR DON REDMOND** to the parties listed below:

The People of the State of Illinois, c/o Attorney Mitchell Ness, Assistant Attorney General, 100 West Randolph Street - # 12th Floor, Chicago, IL 60601 -
Via email to: Mitchell.Ness@ilag.gov and eserve.criminalappeals@ilag.gov ;

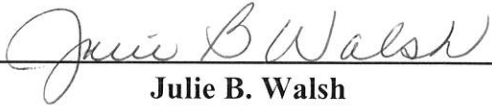
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